*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

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**Attorney Docket No. 017661/0181** 7

Applicant: Takashi NAKAGAWA

2-3-03

Title: SIGNAL TRANSMISSION DEVICE OF BASE STATION AND CDMA MOVABLE COMMUNICATION SYSTEM USING SAME

Serial No. 10/048,059

Filed: January 25, 2002

Examiner: Unassigned

Art Unit: Unassigned



**INFORMATION DISCLOSURE STATEMENT**
**UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO-SB08 is a list of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any documents which is determined to be a prima facie prior art reference against the claims of the present application.

## TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

## CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that items of information A3, A4 and A5 contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

## RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued May 7, 2002 with respect to a counterpart Japanese patent application is provided below. Document A1 is a U.S. patent that is a counterpart to document A4, which is a laid-open Japanese patent application; and document A2 is a U.S. patent that is a counterpart to document A5, which is a laid-open Japanese patent application.

"Claims: 1
Publications: 1 and 2

Remarks

Publication 1 (cf. Figure 1) describes:

"In a base station transmitter used in mobile communication system base stations employing direct spread CDMA, wherein transmission spread data of all transmission channels is additively synthesized (cf. "spread synthesis part 4"), generating quantized spread data, which is converted into analog signals of a level corresponding to the value of that data to create a modulated output signal at the wireless carrier frequency (cf. "modulation part 10"), which modulated output signal is power amplified by a transmission amplification means (cf. "amplification part 13"), and radio transmitted as the downstream transmission output,

a base station transmitter which comprises, on the input side of said transmission amplification means, a variable attenuation means (cf. "variable ATT part (attenuator) 12") capable of controlling the amount of level attenuation of said modulated output signal.

Furthermore, from Publication 2 (cf. column 12, lines 22 to 23, "saturation of base station transmission power and excessive base station transmission power increase is prevented") and the like,

> "preventing overpower input in the base station transmitter" is well known.

Thus, increasing the amount of level attenuation at the variable attenuation means of Publication 1 in order to prevent overpower input is something that could be easily achieved by a person skilled in the art.

Claims: 2
Publications: 1 through 3

Remarks

It is self-evident that the total power of call channels rises as the number of call channels increases, and thus in Publication 3 (cf. column 3, lines 6 through 21, "At a given base station...if the number of channels becomes greater than the upper limit CHAU, the pilot signal level is reduced and the area covered by the base station BS1 decreases"), it is stated that

> "If the total power of call channels exceeds a maximum value, the power of the pilot channel is reduced in accordance with the amount of increase of said total power, thereby reducing the cell radius."

List of Cited Literature

1. Japanese Unexamined Patent Application Publication H11-027233

2. Japanese Unexamined Patent Application Publication H10-051379
3. Japanese Unexamined Patent Application Publication H06-276140

Regarding the inventions as per Claims 3 through 7 that were not pointed out in this Notification of Reasons for Rejection, at present, no reasons for rejection have been discovered. If any reasons for rejection are newly discovered, a notice of those reasons for rejection will be issued.

Record of Prior Art Literature Search Results

- Fields searched - IPC 7th Edition
  H04B 7/24–7/26, 113
  H04Q 7/00–7/38

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, which is asserted in the Japanese Office Action.

Applicant respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form-SB08 be returned in accordance with MPEP §609.

Respectfully submitted,

July 13, 2002
Date

Phillip J. Articola
Registration No. 38,819

FOLEY & LARDNER
Washington Harbour
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

Date Submitted: **July 15, 2002**

*(use as many sheets as necessary)*

Sheet 1 of 1

| *Complete if Known* | |
|---|---|
| **Application Number** | 10/048,059 |
| **Filing Date** | January 25, 2002 |
| **First Named Inventor** | Takashi NAKAGAWA |
| Group Art Unit | Unassigned |
| Examiner Name | Unassigned |
| Attorney Docket Number | 017661/0181 |

**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No.[1] | U.S. Patent Document Number | U.S. Patent Document Kind Code[2] (if known) | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|---|---|---|---|---|---|---|
| | A1 | 6,118,983 | | EGUSA et al. | 09/12/2000 | |
| | A2 | 6,272,125 | | NOMURA | 08/07/2001 | |
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**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Foreign Patent Document Office[3] | Number[4] | Kind Code[5] (if known) | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T[6] |
|---|---|---|---|---|---|---|---|---|
| | A3 | | 6-276140 | | JAPAN | 09/30/1994 | | X |
| | A4 | | 10-51379 | | JAPAN | 02/20/1998 | | X |
| | A5 | | 11-27233 | | JAPAN | 01/29/1999 | | X |
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**OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS**

| Examiner Initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T[6] |
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| Examiner Signature | | Date Considered | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Unique citation designation number. [2]See attached Kinds of U.S. Patent Documents. [3]Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4]For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6]Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.